

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JACQUELINE A. COTE, on behalf of herself
and others similarly situated,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

No. 15 Civ. 12945 (WGY)

**PLAINTIFF’S MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT, FINAL APPROVAL OF SETTLEMENT
CLASS, AND APPROVAL OF DISTRIBUTION OF SETTLEMENT FUNDS**

Plaintiff Jacqueline Cote (“Plaintiff” or “Cote”) respectfully submits the following Motion for Final Approval of Class Action Settlement, Final Approval of Settlement Class, and Approval of Distribution of Settlement Funds (“Motion”). For the reasons set forth in the Memorandum of Law in Support of Plaintiff’s Motion, the Declarations of Peter Romer-Friedman, Gary Buseck, Matthew Handley, and Peter Grossi in Support of Plaintiff’s Motion, and the exhibits attached thereto, Plaintiff respectfully requests that the Court enter an Order¹:

- (1) Granting the Motion;
- (2) Approving the Settlement as set forth in the Settlement Agreement, as amended on April 26, 2017 (“Settlement” or “Settlement Agreement”), as fair, reasonable, adequate, and in the public interest;
- (3) Directing the parties to consummate the Settlement Agreement in accordance with its terms;

¹ A Proposed Final Approval Order Granting Plaintiff’s Motion for Final Approval is attached to the Declaration of Peter Romer-Friedman as Exhibit 1.

- (4) Approving payment of the Class Settlement Amount in accordance with the terms of the Settlement Agreement;
- (5) Approving the planned distribution of the Class Settlement Amount as fair, adequate, and reasonable, and directing it to be distributed in accordance with the terms of the Settlement Agreement;
- (6) Dismissing the litigation with prejudice and without costs to any Party, other than as specified in the Agreement;
- (7) Fully, finally, and forever releasing, relinquishing, and discharging all Released Claims against the Releasees in accordance with Section 13 of the Settlement Agreement;
- (8) Entering Final Judgment in this action as to all Settlement Class Members' Released Claims;
- (9) Retaining jurisdiction over: (a) the interpretation, implementation, and enforcement of the Settlement Agreement and the terms of the Settlement Agreement; (b) the distribution of the Class Settlement Amount, including the Service Payment to the Settlement Class Representative, the Payment of the Attorneys' Fees and Litigation Expenses, the Payment to the Claims Administrator, and any *cy pres* distribution; and (c) all other proceedings related to the implementation, interpretation, administration, consummation, and enforcement of the terms of the Settlement Agreement, and the administration of Claims submitted by Settlement Class Members.
- (10) Retaining jurisdiction over this action (a) for a period of six months after the Settlement Effective Date, or (b) for a period of one month after all Settlement

Class Members have received their final payments under the Settlement Agreement and any remaining funds from the Class Settlement Amount have been distributed as *cy pres*, whichever is greater; and

(11) Granting such other, further, or different relief as the Court deems just and proper.

Walmart does not oppose the relief sought in this Motion.

DATED: April 27, 2017

Respectfully submitted,

JACQUELINE COTE

By her attorneys,

/s/ Peter Romer-Friedman
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CERTIFICATE OF SERVICE

I hereby certify that on the 27th of April, 2017, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

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